

[Second Reprint]

**ASSEMBLY, No. 4869**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED OCTOBER 22, 2020

**Sponsored by:**

**Assemblyman HAROLD "HAL" J. WIRTHS**

**District 24 (Morris, Sussex and Warren)**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Houghtaling, Freiman, Egan, Assemblywoman Lampitt,**

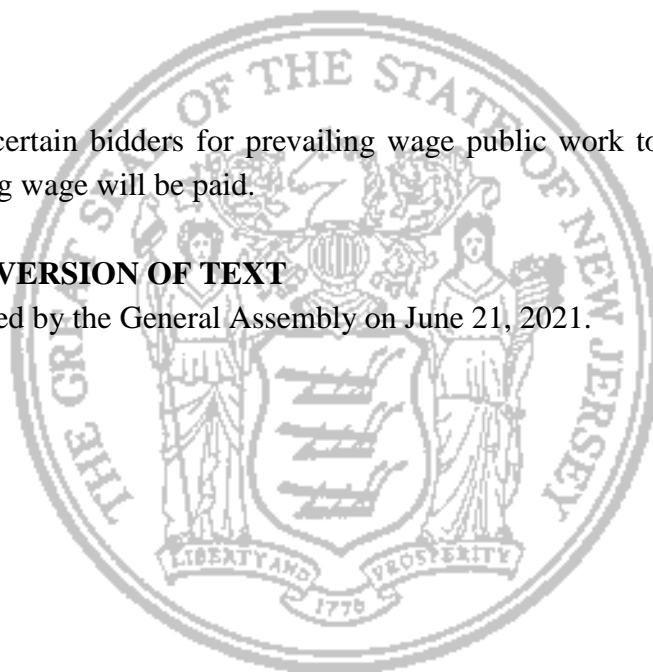
**Senators Oroho and Pou**

**SYNOPSIS**

Requires certain bidders for prevailing wage public work to provide proof that prevailing wage will be paid.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 21, 2021.



**(Sponsorship Updated As Of: 6/30/2021)**

1 AN ACT concerning certain contracts for public work and amending  
2 and supplementing P.L.1963, c.150.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. (New section) <sup>1</sup>a.<sup>1</sup> If a person makes the lowest bid for a  
8 contract with a public body for public work subject to the provisions of  
9 the “New Jersey Prevailing Wage Act,” P.L.1963, c.150 (C.34:11-  
10 56.25 et seq.) and that bid is ten percent or more lower than the next  
11 lowest bid for the contract, the person making the lowest bid shall  
12 **2**[provide proof to the satisfaction of] certify to<sup>2</sup> the public body that  
13 the prevailing wage rates required by that act shall be paid. If the  
14 bidder does not provide the **2**[proof] certification prior to award of the  
15 contract<sup>2</sup>, the **2**[bid shall be rejected] public body shall award the  
16 contract to the next lowest responsible and responsive bidder. This  
17 certification shall be required only when a public body is engaging in  
18 competitive bidding for public work<sup>2</sup>.

19 **2**[<sup>1</sup>b. Proof in accordance with subsection a. of this section may  
20 include, but shall not be limited to, employment contracts or  
21 agreements with workers stating the rate of wages that the person  
22 contracts or agrees to pay the employees or workers for the contract,  
23 documentation of the costs of supplies required to complete the  
24 contract, documentation as to the number of employees or workers  
25 whose services will be engaged for the contract, the estimated number  
26 of hours or days to complete the project, and any additional  
27 documentation as may be permitted by the Commissioner of Labor and  
28 Workforce Development.<sup>1</sup>]

29 b. The Commissioner of Labor and Workforce Development, in  
30 consultation with the Division of Local Government Services in the  
31 Department of Community Affairs, shall promulgate rules and  
32 regulations concerning the standardization of the certification  
33 necessary to effectuate the provisions of this section.<sup>2</sup>

34

35 2. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to  
36 read as follows:

37 3. a. Every contract in excess of the prevailing wage contract  
38 threshold amount for any public work to which any public body is a  
39 party or for public work to be done on property or premises owned by  
40 a public body or leased or to be leased by a public body shall contain a  
41 **2**[provision] **2**[certification] provision<sup>2</sup> stating the prevailing wage  
42 rate which can be paid (as shall be designated by the commissioner) to  
43 the workers employed in the performance of the contract and **2**[the  
44 contract shall contain a stipulation that] **2**the contract shall contain a  
45 stipulation that<sup>2</sup> such workers shall be paid not less than such

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ALA committee amendments adopted December 14, 2020.

<sup>2</sup>Assembly floor amendments adopted June 21, 2021.

1 prevailing wage rate. Such ~~contract~~<sup>2</sup>~~certification~~ contract<sup>2</sup> shall  
2 also contain a provision that in the event it is found that any worker,  
3 employed by the contractor or any subcontractor covered by said  
4 contract, has been paid a rate of wages less than the prevailing wage  
5 required to be paid by such contract, the public body, the lessee to  
6 whom the public body is leasing a property or premises or the lessor  
7 from whom the public body is leasing or will be leasing a property or  
8 premises may terminate the contractor's or subcontractor's right to  
9 proceed with the work, or such part of the work as to which there has  
10 been a failure to pay required wages and to prosecute the work to  
11 completion or otherwise. The contractor and his sureties shall be liable  
12 for any excess costs occasioned thereby to the public body, any lessee  
13 to whom the public body is leasing a property or premises or any  
14 lessor from whom the public body is leasing or will be leasing a  
15 property or premises.

16 b. The Commissioner of Labor and Workforce Development, in  
17 consultation with the Division of Local Government Services, shall  
18 promulgate rules and regulations concerning the standardization of the  
19 ~~certification~~<sup>2</sup> contractual language<sup>2</sup> necessary to effectuate the  
20 provisions of ~~P.L. , c. (C. ) (pending before the Legislature~~  
21 as this bill)] this section<sup>2</sup>.

22 (cf: P.L.2007, c.68, s.2)

23

24 3. This act shall take effect ~~immediately~~<sup>2</sup> 180 days from the  
25 date of enactment, except that the Commissioner of Labor and  
26 Workforce Development make take any anticipatory action in  
27 advance thereof as may be necessary for the implementation of this  
28 act<sup>2</sup>.